



U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

MAR 17 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stephan J. Speth, Director
Vehicle Compliance and Safety Affairs
DaimlerChrysler Corporation
800 Chrysler Dr. - CIMS 482-00-91
Auburn Hills, MI 48326-2757

NVS-213SY
EA04-025

Dear Mr. Speth:

As you know, the Office of Defects Investigation (ODI) of the National Highway Traffic Safety Administration (NHTSA) upgraded its investigation of alleged unintended powered rollaway incidents in certain model year (MY) 2003 and 2004 Dodge Ram 2500 and 3500 automatic transmission vehicles from a Preliminary Evaluation (PE04-039) to an Engineering Analysis (EA04-025). This letter requests additional information to assist ODI in its investigation.

ODI has identified 41 Vehicle Owner Questionnaires (VOQs), which appear to be related to this investigation. The majority of complaints (36) allege incidents of reverse powered rollaway after the operator exited the vehicle following an attempted shift into Park with the engine running and the park brake not set. Some complainants (12) allege the condition has occurred multiple times on the same vehicle. Four complaints allege incidents of un-powered rollaway where the engine was not running. Twenty-nine of the complaints allege that a crash occurred. Four injuries are alleged. All of the incidents in which the engine can be identified have involved diesel engines. An electronic report with details of each complaint, along with electronic copies of related image information, is provided on the enclosed CD-ROM for your review. A list of the 41 ODI numbers appears at the end of this document.

Unless otherwise stated in the text, the following definitions apply to these information requests:

- **Subject vehicles:** All automatic transmission MY 2003 through current production MY 2005 Dodge Ram 2500/3500 pickup trucks manufactured for sale or lease in the United States.
- **Peer vehicles:** All automatic transmission MY 1999-2002 Dodge Ram 2500/3500 and MY 2000-2005 Dodge Ram 1500 pickup trucks, and MY 1999-2004 Jeep Grand Cherokee sport utility vehicles manufactured for sale or lease in the United States.



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888-DASH-2-DOT
888-327-4238

- **DCX:** DaimlerChrysler Corporation, all of its past and present officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone and other offices and their employees, and all agents, contractors, consultants, attorneys and law firms and other persons engaged directly or indirectly (e.g., employee of a consultant) by or under the control of DCX (including all business units and persons previously referred to), who are or, in or after January 1996, were involved in any way with any of the following related to the alleged defect in the *subject vehicles*:
 - a. Design, engineering, analysis, modification or production (e.g. quality control);
 - b. Testing, assessment or evaluation;
 - c. Consideration, or recognition of potential or actual defects, reporting, record-keeping and information management, (e.g., complaints, field reports, warranty information, part sales), analysis, claims, or lawsuits; or
 - d. Communication to, from or intended for zone representatives, fleets, dealers, or other field locations, including but not limited to people who have the capacity to obtain information from dealers.
- **Alleged defect:** Inadvertent movement and/or rolling of the vehicle from a parked position, while either powered or un-powered and or attended or unattended, where drivers allege that the gearshift lever was placed in park and/or gearshift (PRNDL) indicator was in Park, regardless of whether DCX verified the allegation or not.
- **MDL:** The manual detent lever (MDL) is the shaft actuated device in the transmission that controls manual valve position (transmission gear engagement) when the operator moves the gear selector; the device is sometimes referred to as a "rooster comb".
- **Document:** "Document(s)" is used in the broadest sense of the word and shall mean all original written, printed, typed, recorded, or graphic matter whatsoever, however produced or reproduced, of every kind, nature, and description, and all non-identical copies of both sides thereof, including, but not limited to, papers, letters, memoranda, correspondence, communications, electronic mail (e-mail) messages (existing in hard copy and/or in electronic storage), faxes, mailgrams, telegrams, cables, telex messages, notes, annotations, working papers, drafts, minutes, records, audio and video recordings, data, databases, other information bases, summaries, charts, tables, graphics, other visual displays, photographs, statements, interviews, opinions, reports, newspaper articles, studies, analyses, evaluations, interpretations, contracts, agreements, jottings, agendas, bulletins, notices, announcements, instructions, blueprints, drawings, as-builts, changes, manuals, publications, work schedules, journals, statistical data, desk, portable and computer calendars, appointment books, diaries, travel reports, lists, tabulations, computer printouts, data processing program libraries, data processing inputs and outputs, microfilms, microfiches, statements for services, resolutions, financial statements, governmental records, business records, personnel records, work orders, pleadings, discovery in any form, affidavits, motions, responses to discovery, all transcripts, administrative filings and all mechanical, magnetic, photographic and electronic records or recordings of any kind, including any storage media associated with computers,

including, but not limited to, information on hard drives, floppy disks, backup tapes, and zip drives, electronic communications, including but not limited to, the Internet and shall include any drafts or revisions pertaining to any of the foregoing, all other things similar to any of the foregoing, however denominated by DCX, any other data compilations from which information can be obtained, translated if necessary, into a usable form and any other documents. For purposes of this request, any document, which contains any note, comment, addition, deletion, insertion, annotation, or otherwise comprises a non-identical copy of another document shall be treated as a separate document subject to production. In all cases where original and any non-identical copies are not available, "document(s)" also means any identical copies of the original and all non-identical copies thereof. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color. Furnish all documents whether verified by DCX or not. If a document is not in the English language, provide both the original document and an English translation of the document.

- **Other Terms:** To the extent that they are used in these information requests, the terms "claim," "consumer complaint," "dealer field report," "field report," "fire," "fleet," "good will," "make," "model," "model year," "notice," "property damage," "property damage claim," "rollover," "type," "warranty," "warranty adjustment," and "warranty claim," whether used in singular or in plural form, have the same meaning as found in 49 CFR 579.4.

In order for my staff to evaluate the alleged defect, certain information is required. Pursuant to 49 U.S.C. § 30166, please provide numbered responses to the following information requests. Insofar as DCX has previously provided a document to ODI, DCX may produce it again or identify the document, the document submission to ODI in which it was included and the precise location in that submission where the document is located. When documents are produced, the documents shall be produced in an identified, organized manner that corresponds with the organization of this information request letter (including all individual requests and subparts). When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation.

Please repeat the applicable request verbatim above each response. After DCX's response to each request, identify the source of the information and indicate the last date the information was gathered.

1. State, by model and model year, the number of *subject and peer vehicles* DCX has manufactured for sale or lease in the United States. Separately, for each *subject and peer vehicle* manufactured to date by DCX, state the following:
 - a. Vehicle identification number (VIN);
 - b. Transmission model number;
 - c. Transmission shift location (floor or steering column);
 - d. PRNDL indicator type/design (e.g., 'E' for electronic, 'M' for mechanical, etc.);
 - e. Date of manufacture;
 - f. Date warranty coverage commenced; and

- g. The State in the United States where the vehicle was originally sold or leased (or delivered for sale or lease).

Provide this information in a Microsoft Access 2003 (or compatible) file titled "PRODUCTION DATA." See the enclosed CD ROM, "EA04-025 Enclosures", for a pre-formatted table which provides further details regarding the format of this submission.

2. State the number of each of the following, received by DCX, or of which DCX is otherwise aware, which relate to, or may relate to, the alleged defect in the *subject and peer vehicles*:
 - a. Consumer complaints, including those from fleet operators;
 - b. Field reports, including dealer field reports;
 - c. Reports involving a crash, injury, or fatality, based on claims against the manufacturer involving a death or injury, notices received by the manufacturer alleging or proving that a death or injury was caused by the alleged defect in a *subject or peer vehicle*, property damage claims, consumer complaints, or field reports;
 - d. Property damage claims; and
 - e. Third-party arbitration proceedings where DCX is or was a party to the arbitration; and lawsuits, both pending and closed, in which DCX is or was a defendant or codefendant.

For subparts "a" through "e", state the total number of each item (e.g., consumer complaints, field reports, etc.) separately. Multiple incidents involving the same vehicle are to be counted separately. Multiple reports of the same incident are also to be counted separately (i.e., a consumer complaint and a field report involving the same incident in which a crash occurred are to be counted as a crash report, a field report and a consumer complaint).

In addition, for items "c" through "e", provide a summary description of the alleged problem and causal and contributing factors and DCX's assessment of the problem, with a summary of the significant underlying facts and evidence. For items "d" and "e," identify the parties to the action, as well as the caption, court, docket number, and date on which the complaint or other document initiating the action was filed.

3. Separately, for each item (complaint, report, claim, notice, or matter) within the scope of your response to Request No. 2, state the following information:
 - a. DCX's file number or other identifier used;
 - b. The category of the item, as identified in Request No. 2 (i.e., consumer complaint, field report, etc.);
 - c. Vehicle owner or fleet name (and fleet contact person), address, and telephone number;
 - d. Vehicle's VIN;
 - e. Vehicle's make, model and model year (only if the VIN is unavailable);
 - f. Vehicle's mileage at time of incident;
 - g. Incident date;
 - h. Report or claim date;
 - i. Whether a crash is alleged;
 - j. Whether property damage is alleged;
 - k. Number of alleged injuries, if any;
 - l. Number of alleged fatalities, if any; and

m. Summary description (Request No. 2, items "c" through "e" only).

Provide this information in Microsoft Access 2003, or a compatible format, titled "COMPLAINT DATA." See the enclosed CD ROM, "EA04-025 Enclosures", for a pre-formatted table which provides further details regarding the format of this submission.

4. Produce copies of all documents related to each of items "c" through "e" within the scope of Request No. 2. Organize the documents separately by category (i.e., crash/injury/fatality reports, property damage claims, etc.) and describe the method DCX used for any further organization of the documents.
5. State, by model and model year, a total count for all of the following categories of claims, collectively, that have been paid by DCX to date that relate to, or may relate to, the alleged defect in the *subject and peer vehicles*: warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin, customer satisfaction campaign, or safety related recall. Separately, for each such claim, state the following information:
 - a. DCX's claim number;
 - b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
 - c. VIN;
 - d. Repair date;
 - e. Vehicle mileage at time of repair;
 - f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
 - g. Labor operation number;
 - h. Problem code;
 - i. Replacement part number(s) and description(s);
 - j. Concern stated by customer; and
 - k. Comment, if any, by dealer/technician relating to claim and/or repair.

Provide this information in Microsoft Access 2003, or a compatible format, titled "WARRANTY DATA." See the enclosed CD ROM, "EA04-025 Enclosures", for a pre-formatted table which provides further details regarding the format of this submission.

6. Describe in detail the search criteria used by DCX to identify the claims identified in response to Request No. 5, including the labor operations, problem codes, part numbers and any other pertinent parameters used. Provide a list of all labor operations, labor operation descriptions, problem codes, and problem code descriptions applicable to the alleged defect in the *subject vehicles*. State, by model and model year, the terms of the new vehicle warranty coverage offered by DCX on the *subject and peer vehicles* (i.e., the number of months and mileage for which coverage is provided and the vehicle systems that are covered).
7. For each of the *subject vehicles* identified in items "c" through "e" of Request No. 2, state the total count for all of the following categories of claims, collectively, that have been paid by DCX to date, for all claims involving the vehicles identified (regardless of the nature of

the claim, the vehicle system involved, and whether or not the claim relates to the alleged defect): warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin, customer satisfaction campaign, or safety related recall. Separately, for each such claim, state the following information:

- a. DCX's claim number;
- b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
- c. VIN;
- d. Repair date;
- e. Mileage at time of repair;
- f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
- g. Labor operation number and description;
- h. Problem code and description;
- i. Replacement part number and description;
- j. Customer concern; and
- k. Technician comment.

Provide this information in Microsoft Access 2003, or a compatible format, entitled "DCX INCIDENT VEHICLE WARRANTY DATA." See the enclosed CD ROM, "EA04-025 Enclosures", for a pre-formatted table which provides further details regarding the format of this submission.

8. For each VIN identified in the file titled "VOQ VINs.xls" included on the enclosed CD ROM (total of 33 VINs), state the total count for each of the following categories of claims, collectively, that have been paid by DCX to date, for all claims involving the vehicles identified (regardless of the nature of the claim, the vehicle system involved, and whether or not the claim relates to the alleged defect): warranty claims; extended warranty claims; claims for good will services that were provided; field, zone, or similar adjustments and reimbursements; and warranty claims or repairs made in accordance with a procedure specified in a technical service bulletin, customer satisfaction campaign, or safety related recall. Separately, for each such claim, state the following information:
 - a. DCX's claim number;
 - b. Vehicle owner or fleet name (and fleet contact person) and telephone number;
 - c. VIN;
 - d. Repair date;
 - e. Mileage at time of repair;
 - f. Repairing dealer's or facility's name, telephone number, city and state or ZIP code;
 - g. Labor operation number and description;
 - h. Problem code and description;
 - i. Replacement part number and description;
 - j. Customer concern; and
 - k. Technician comment.

Provide this information in Microsoft Access 2003, or a compatible format, entitled "ODI INCIDENT VEHICLE WARRANTY DATA." See the enclosed CD ROM, "EA04-025

Enclosures", for a pre-formatted table which provides further details regarding the format of this submission.

9. Produce copies of all service, warranty, and other documents that relate to, or may relate to, the alleged defect in the *subject and peer vehicles*, that DCX has issued to any dealers, regional or zone offices, field offices, fleet purchasers, or other entities. This includes, but is not limited to, bulletins, advisories, informational documents, training documents, or other documents or communications, with the exception of standard shop manuals. Also include the latest draft copy of any communication that DCX is planning to issue within the next 120 days.
10. Referring to paragraph 5 of DCX's June 22, 2004 response to Request No. 10 of ODI's PE04-039 IR letter, provide the following additional information with respect to the assembly plant automatic and manual verifications of transmission/transmission shift system interaction on the *subject and peer* (if applicable) *vehicles*:
 - a. A description of the procedure and any equipment or devices used (include model, model year and engine/transmission type if pertinent);
 - b. The pass/fail criteria;
 - c. The procedures for the containment and rectification of vehicles that fail; and
 - d. For each *subject vehicle* that registered a failure from the inspection, provide:
 - i) VIN;
 - ii) Reason for failing; and
 - iii) Rectification applied.
11. Describe all assessments, analyses, tests, test results, studies, surveys, simulations, investigations, inquiries and/or evaluations (collectively, "actions") that relate to, or may relate to, the alleged defect in the *subject vehicles* that have been conducted, are being conducted, are planned, or are being planned by, or for, DCX. For each such action, provide the following information:
 - a. Action title or identifier;
 - b. The actual or planned start date;
 - c. The actual or expected end date;
 - d. Brief summary of the subject and objective of the action;
 - e. Engineering group(s)/supplier(s) responsible for designing and conducting the action; and
 - f. A brief summary of the findings and/or conclusions resulting from the action.

For each action identified, provide copies of all documents related to the action, regardless of whether the documents are in interim, draft, or final form. Organize the documents chronologically by action.

12. Identify the five largest fleets in the United States known to DCX that use the *subject vehicles*. Separately, identify the five largest fleets in the following states or district that utilize the *subject vehicles*: District of Columbia, Maryland, Virginia, and Ohio. For each fleet identified, state the fleet name, point of contact name and telephone number, and the approximate number of *subject vehicles* sold to that fleet by model and model year.

13. Identify and provide copies of all communications between DCX and any insurance companies relating to the alleged defect in the *subject vehicles*.
14. Provide copies of the field inspection procedure(s) and data sheet(s) used by a third party investigator(s) hired by DCX to examine *subject and peer vehicles* in response to a complaint related to the alleged defect and provide the name of the individual hired to perform the examination. Additionally, provide copies of any other reports, documents, images, or videos generated for the use by, or the training of, a third party investigator. If any of this material is subject to privilege, then provide a detailed privilege log.
15. Identify, describe, and provide copies of all engineering standards, design guidelines, design policies, informal reviews, and specifications that relate in any way to the potential for, or possibility of, the vehicle operator achieving a shift position between reverse and park in the gear selector assemblies of the *subject and peer vehicles*.
16. State by model, model year and engine/transmission configuration the service and engineering part numbers of the transmission MDL for the *subject and peer vehicles*. Provide an engineering drawing and exemplar sample of each unique MDL component identified.
17. Describe in detail the design and operation of the mechanical transmission shift system (including the contour of the "rooster comb" of the MDL) for each unique system used in the following model years of Dodge Ram 2500/3500: 2001, 2002, 2003, 2004, and 2005. For each model year and engine/transmission configuration, identify all design and production changes that might affect the ergonomics of the driver-transmission shift interface, or the operation of the shift system.
18. Identify by model, model year and engine/transmission configuration the PRNDL identification system included in the *subject vehicles*. Describe in detail the design and operation of each unique PRNDL indication system included in the *subject vehicles*, including the components that comprise the system, the location of each component relative to the complete system, the components function/purpose and the DCX assigned part or component number. Separately, describe each unique PRNDL system installed in the *peer vehicles* and describe any differences between the *peer and subject vehicle* PRNDL indication systems. Provide any diagrams, schematics, or drawings that explain and depict each PRNDL indication system in the *subject vehicles*.
19. Provide a park-to-reverse and reverse-to-park shift sequence chart (similar to that provided in DCX's June 22, 2004 letter in response to Request No. 8) identifying the status of significant shift system components for each unique *peer vehicle* transmission and shift linkage design configuration. Base the chart on MDL shaft rotational displacement. State whether the chart was based on data from in situ shift system components (installed in vehicles) or bench mounted components. The chart should identify the status of the PRNDL readout, engagement/disengagement of the park and reverse gates/detents, park pawl position and state (disengaged, ratchet, engaged), and the energizing/de-energizing of any transmission hydraulic circuits.

20. Provide a chart showing transmission output shaft torque versus engine rpm curve for reverse transmission gear for each engine/transmission configuration manufactured in the *subject vehicles*. The chart should include the torque exerted on the output shaft for engine speeds from the lowest (design intent) idle speed up to 1500 RPMs.
21. For the *subject vehicle* engine/transmission configurations, provide copies of any existing documents or test results which show transmission output shaft torque and hydraulic pressurization/depressurization of the rear servo as a function of time and shifter position in the critical area between park and reverse detents where a delayed rear servo pressurization might occur while park pawl engagement is insufficient to overcome the resultant output shaft torque. If no such data exists, ODI requests DCX consider conducting testing to obtain it.
22. Discuss in detail any potential causes of vehicle to vehicle variance in the information reported in DCX's response to Requests 20 and 21 (if any) above, and or to Request 8 of DCX's June 22, 2004 response in PE04-039 (P to R, R to P shift sequence timing), including the effects of component tolerance, manufacturing variability, wear/aging, use/abuse, assembly/service adjustment, environment/external, and any other factors DCX is aware of.
23. Furnish DCX's assessment of the alleged defect in the *subject vehicles*, including:
 - a. The causal or contributory factor(s);
 - b. The failure mechanism(s);
 - c. The risk to motor vehicle safety that it poses;
 - d. A discussion of possible or potential countermeasures DCX has identified or considered which may reduce or eliminate the occurrence of the alleged defect;
 - e. What warnings, if any, the operator and the other persons both inside and outside the vehicle would have that the alleged defect was occurring; and
 - f. The VOQ reports included with this inquiry.

These information requests constitute a continuing request for information. For the duration of this investigation, DCX must provide ODI a quarterly report that updates the information required by Requests Nos. 2, 3, 11, and 13 and that relates to the alleged defect in the *subject vehicles*.

This letter is being sent to DCX pursuant to 49 U.S.C. § 30166, which authorizes NHTSA to conduct any investigation that may be necessary to enforce Chapter 301 of Title 49 and to request reports and the production of things. It constitutes a new request for information. DCX's failure to respond promptly and fully to this letter could subject DCX to civil penalties pursuant to 49 U.S.C. § 30165 or lead to an action for injunctive relief pursuant to 49 U.S.C. § 30163. (Other remedies and sanctions are available as well.) Please note that maximum civil penalties under 49 U.S.C. § 30165 have increased as a result of the recent enactment of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act, Public Law No. 106-414 (signed November 1, 2000). Section 5(a) of the TREAD Act, codified at 49 U.S.C. § 30165(b), provides for civil penalties of up to \$5,000 per day, with a maximum of \$15 million

for a related series of violations, for failing or refusing to perform an act required under 49 U.S.C. § 30166. This includes failing to respond to ODI information requests.

If DCX cannot respond to any specific request or subpart(s) thereof, please state the reason why it is unable to do so. If on the basis of attorney-client, attorney work product, or other privilege, DCX does not submit one or more requested documents or items of information in response to this information request, DCX must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, the name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

DCX's response to this letter, in duplicate, together with a copy of any confidentiality request, must be submitted to this office by May 13, 2005. Please refer to EA04-025 in DCX's response to this letter. If DCX finds that it is unable to provide all of the information requested within the time allotted, DCX must request an extension from Mr. Jeff Quandt at (202) 366-5207 no later than five business days before the response due date. If DCX is unable to provide all of the information requested by the original deadline, it must submit a partial response by the original deadline with whatever information DCX then has available, even if an extension has been granted.

If DCX claims that any of the information or documents provided in response to this information request constitute confidential commercial material within the meaning of 5 U.S.C. § 552(b) (4), or are protected from disclosure pursuant to 18 U.S.C. § 1905, DCX must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 CFR Part 512, as amended (68 Fed. Reg. 44209 et seq; July 28, 2003), to the Office of Chief Counsel (NCC-113), National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street, S.W., Washington, D.C. 20590. DCX is required to submit two copies of the documents containing allegedly confidential information (except only one copy of blueprints) and one copy of the documents from which information claimed to be confidential has been deleted. We request, but do not require, that DCX provide a Bates stamp number or other means of identification for each document in its confidential submission.

If you have any technical questions concerning this matter, please call Mr. Scott Yon of my staff at (202) 366-6761.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. DeMeter', followed by a long horizontal line extending to the right.

Kathleen C. DeMeter, Office Director
Office of Defects Investigation

Enclosure 1, one CD ROM titled "EA04-025 Enclosures" containing a VOQ summary report file, 12 VOQ image files, a Microsoft Excel file with 33 VOQ VINs, and 5 Microsoft Access database template files.

Forty-one VOQ ODI numbers: 8023928, 10022545, 10033108, 10042780, 10046503, 10055264, 10056561, 10057724, 10058839, 10060802, 10061020, 10075011, 10079624, 10081451, 10086799, 10087180, 10088013, 10088579, 10089024, 10089151, 10090202, 10090478, 10090864, 10091548, 10092172, 10093594, 10095932, 10096439, 10096461, 10096794, 10097581, 10099540, 10101221, 10101982, 10103928, 10106715, 10108858, 10109678, 10111594, 10111596, 10112881